

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

RICKY DEVAUGHN BECKOM,

§

Plaintiff,

CIVIL ACTION NO. 5:19-CV-00128-RWS

v.

TAMIKA SALAWHITE,

§

Defendant.

ORDER

The Plaintiff, Ricky Beckom, an inmate of the Bi-State Jail proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. Plaintiff filed the lawsuit together with his brother Gregory Beckom. The sole named defendant is the alleged victim involved in the criminal charges brought against Plaintiff. This Court referred the case to the Magistrate Judge.

The Magistrate Judge severed the lawsuit into two separate cases and ordered Plaintiff to file a certified inmate trust account data sheet, as required by 28 U.S.C. §1915(b). Plaintiff did not comply with this order.

On June 9, 2020, the Magistrate Judge issued a Report recommending the lawsuit be dismissed because there was no showing the sole named Defendant was acting under color of state law, as required for liability under the Civil Right Act. *West v. Atkins*, 487 U.S. 42, 48 (1988). A copy of this Report was sent to Plaintiff at his last known address, return receipt requested, but no objections have been received. The on-line records of Bowie County show Plaintiff was released from the jail on January 16, 2020, but he has not provided a current mailing address or contacted

the Court in any way since that time. The lawsuit form filed by Plaintiff contains a declaration acknowledging that Plaintiff understands it is his responsibility to keep the Court informed of his current mailing address (Docket No. 1 at 4).

Because no timely objections were filed to the Report of the Magistrate Judge, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected- to factual findings and legal conclusions accepted and adopted by the District Court.

Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). It is accordingly

ORDERED that the Report of the Magistrate Judge (Docket No. 4) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITH PREJUDICE** for purposes of proceeding *in forma pauperis* for failure to state a claim upon which relief may be granted. It is further

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So ORDERED and SIGNED this 17th day of December, 2020.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE